

RECORD OF PROCEEDINGS
COLORADO STATE BOARD OF VETERINARY MEDICINE

PUBLIC MINUTES
February 10, 2011

Notice of this meeting was published at www.dora.state.co.us/veterinarians/publicnotices.htm, at least 7 days in advance of the meeting date.

I. CONVENE

The Open Session of the meeting for the Colorado State Board of Veterinary Medicine was convened at One Civic Center Plaza, 1560 Broadway, Suite 1550, Denver, Colorado 80202 at 8:56 a.m. by Michael Gotchey, DVM, President.

II. BOARD MEMBERS PRESENT

Michael Gotchey, DVM, President
Richard Leone, DVM, Vice-President
Joni Edwards, DVM, Secretary
Patricia Skolnik, Public Member (departed at 4:22 p.m.)
Kim Stone, DVM
Kristin Woestehoff, DVM
Stacy Worthington, Public Member (departed at 11:17 a.m.; returned at 2:05 p.m.)

STAFF

Maulid Miskell, Program Director
Leanne Clasen, Program Manager
Paul S. Wilson, Program Specialist
Rita Quinn, Assistant Attorney General
Abigail Gaskins, Compliance Monitor
Melissa Garner, Office of Expedited Settlement
Les Roberts, Office of Investigations
David Sexton, Office of Investigations

III. REPORTS

Report from the Program Director, Maulid Miskell.

Mr. Miskell introduced Paul Wilson, the new Program Specialist for the Board of Veterinary Medicine. He is taking the place of Rosemary Baker, who retired in November.

He also reviewed renewal statistics for licensees.

Mr. Miskell reminded those in attendance that there is to be no discussion or input from the public during deliberations of cases, and reminded the Board Members of the confidential nature of letters of concern.

Report from Assistant Attorney General, Rita Quinn.

Ms. Quinn informed the Board that because of the confidentiality of veterinary records the given names of pets and animals should not be mentioned in Open Session.

IV. CONTINUING EDUCATION

Continuing Education – Joni Edwards, DVM, Board Secretary

The bi-monthly requests were reviewed in advance by Dr. Edwards. A motion was made, seconded, and carried to approve all continuing education requests as submitted with the exception of the following requests:

A motion was made, seconded, and carried to table the requests made by Daneya P. Mitchell on behalf of the Chi Institute of Chinese Medicine for further Board review.

A motion was made, seconded, and carried to table the requests for a Q&A and an IMHA session made by Dr. Lori Wise on behalf of Wheat Ridge Veterinary Specialists while awaiting further program information.

A motion was made, seconded, and carried to deny approval for the post-graduate coursework proposed by Dr. Jessica Timian.

Memorandum regarding Harold Hubbard, DVM.
Board noted.

Letter from Kris Abbey, DVM regarding AAVSB's RACE Program; AAVSB response.
Board noted.

V. OPEN FORUM

Ralph Johnson, Executive Director, Colorado Veterinary Medical Association, advised the Board that the CVMA will be holding its "Big Ideas Forum" in Vail, Colorado on Saturday, April 30, 2011. He invited Program Director Mo Miskell to participate with another regulator in a forum on Pre-Veterinary Care in Emergencies and Disasters.

Denise Mikita, Executive Director, Colorado Association of Certified Veterinary Technicians, advised the Board that Colorado has six AVMA-accredited programs for Veterinary Technicians and she urged the Board to consider the CACVT their resource for information on veterinary technicians.

VI. NEW BUSINESS

Memorandum regarding designation of meeting notices.
A motion was made, seconded, and carried to approve the notice.

Memorandum regarding AAVSB Candidate Nominations.
A motion was made, seconded, and carried to approve the nomination of Board President Michael Gotchey, DVM, as both a Director and as a Member of the Nominating Committee for the American Association of Veterinary State Boards (AAVSB). A motion was made, seconded, and carried to approve the nomination of Program Director Maulid Miskell as a Member of the Nominating Committee for the AAVSB.

Revised Board meeting schedule, changing October 6 date to October 13, 2011.
A motion was made, seconded, and carried to approve the revised meeting date.

United States Animal Health Association letter and text of 2010 Resolution 11.
After careful consideration of the information provided, a motion was made, seconded, and carried to table pending receipt of additional information.

NBVME offers Board members NAVLE preview.
Board noted.

VII. LICENSING

Memorandum regarding newly licensed Veterinarians. (Consent Item)
A motion was made, seconded, and carried to approve all newly licensed Veterinarians either by exam or endorsement.

Memorandum regarding reinstatement for James Wright, DVM
After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

YES APPLICATIONS

Memorandum regarding Yes application for Istvan Joshua Szasz, DVM

A motion was made, seconded, and carried to approve application for licensure.

VIII. INITIAL REVIEW

AGENDA ITEM #1 Michael Herman, DVM #5298 Case #2011-001559

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

Upon return to Open Session, a motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

AGENDA ITEM #2 Terry Humphrey, DVM #3636 Case #2011-001415

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

AGENDA ITEM #3 Darrel Ireland, DVM #1188 Case #2011-001441

Kristin Woestehoff, DVM, recused from participation in this case and departed the meeting room.

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

AGENDA ITEM #4 Merrilee Laas, DVM #5789 Case #2011-001847

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

AGENDA ITEM #5 Mark Cowan, DVM #5415 Case #2011-001886

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

Upon returning to Open Session, a motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

The following two cases are related.

AGENDA ITEM #6 Kelly McGuire, DVM #8710 Case #2011-002367

Kim Stone, DVM, recused from participation in this case and departed the meeting room.

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

Upon returning to Open Session, a motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

AGENDA ITEM #7 Derek Paul, DVM #8502 Case #2011-002368

Kim Stone, DVM, recused from participation in this case and departed the meeting room.

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

Upon returning to Open Session, a motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

AGENDA ITEM #8 Michelle R. Morgan, DVM #6350 Case #2011-002360

Kristin Woestehoff, DVM, recused from participation in this case and departed the meeting room.

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

IX. CASE CONSIDERATION

Memorandum regarding Kitzel Farrah, DVM

Dr. Woestehoff was not present for this discussion and vote.

After careful consideration of the information provided, a motion was made, seconded, and carried to take no action.

Memorandum regarding Marcy S. Robbins, dba Door to Door Pet Vaccinations

After careful consideration of the information provided, a motion was made, seconded, and carried to refer this case to the Office of the Attorney General to issue a Cease and Desist Order for the unlicensed practice of veterinary medicine.

X. TABLED

Jeremy Sebor, DVM #8369

Case #2010-004755

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action. Upon return to Open Session, a motion was made, seconded, and carried to table pending receipt of additional information.

Nathalie Grossman, DVM #7011

Case #2011-000998

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action. Upon return to Open Session, a motion was made, seconded, and carried to table pending receipt of additional information. A motion was also made, seconded, and carried to initiate a complaint against Jeffrey Young, DVM.

Joanna Hyland, DVM #8518

Case #2009-002152

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

Karen Faunt, DVM #8546

Case #2010-003487

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

Ari Zabell, DVM Out of State

Case #2010-003488

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to table pending receipt of additional information.

Ari Zabell, DVM Out of State

Case #2010-001767

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to table pending receipt of additional information.

Ashley Harris, DVM Out of State

Case #2010-003491

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to table pending receipt of additional information.

Robert Lester, DVM Out of State

Case #2010-003492

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to table pending receipt of additional information.

Lisa Killian, DVM #7781

Case #2010-003494

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

Jennifer Tremblay DVM #8279

Case #2010-003496

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to table pending receipt of additional information.

XI. OFFICE OF INVESTIGATIONS

Phillip N. Haas, DVM #2765

Case #2010-003810

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

Felix Duerr, DVM #8371

Case #2010-001315

After careful consideration of the information provided, a motion was made, seconded, and carried to table pending receipt of additional information. The Board ordered staff to initiate a complaint against Kimberly Hanzlik, DVM # 8665, 2011-004597.

Gerald Koster, DVM #3563

Case #2010-001621

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

Jonathan Hall, DVM #8561

Case #2010-002916

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

Joel Stone, DVM #5252

Case #2010-002917

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

XII. BOARD RATIFICATIONS

Memorandum regarding Wesley Fortik, unlicensed

After careful consideration of the information provided, a motion was made, seconded, and carried to ratify the referral of the case to the Office of Investigations for further investigation.

XIII. STIPULATIONS

Open Stipulations Report

January 20, 2011
Board noted.

Lee Bregitzer, DVM #2082

Memos #1, #2, and #3
Case #2009-001760

After careful consideration of the information provided, a motion was made, seconded, and carried to accept the first two required practice monitor reports. The Board provided guidance to the practice monitor.

Mark Cochran, DVM #3252

Case #2010-002365

After careful consideration of the information provided, a motion was made, seconded, and carried to accept the first required practice monitor report.

Kenneth Goehegan, DVM #5009

Case #2008-000260 and #2009-000610

After careful consideration of the information provided, a motion was made, seconded, and carried to accept the rewritten records.

Douglas Ikeler, DVM #4942

Case #2005-001344

After careful consideration of the information provided, a motion was made, seconded, and carried to accept the practice monitor reports for May, June, July, August, September, and October, 2010.

Jessica Quimby, AV #95

Case #2010-001837

After careful consideration of the information provided, a motion was made, seconded, and carried to close this case.

James Stortz, DVM #9032

Case #2010-003589

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for specific legal guidance on compliance with his current stipulation as well as confidential information protected under Colorado Revised Statutes section 13-90-107(1)(d). Upon returning to Open Session, the Board directed staff to send a letter to send a letter to Dr. Stortz regarding his compliance with the stipulation.

Linda Yates, DVM #5513

Case #2009-002738 and #2006-002931

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for specific legal guidance on compliance with her current stipulations as well as confidential information protected under Colorado Revised Statutes section 13-90-107(1)(d). Upon return to Open Session a motion was made, seconded and carried to initiate case 2011-003589 and refer the combined cases to the Attorney General.

Taka Kitashima, DVM #1378

Case #2010-004818 and 2011-001635

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential discipline.

XIV. ADJOURNMENT - OPEN SESSION

Michael Gotchey, DVM, Board chair, called for a motion on February 10, 2011, at 12:45 p.m. that the Board of Veterinary Medicine enter into Executive Session for the purpose of discussing with counsel disputes that are the subject of pending or imminent court action, discussing specific claims or grievances, and receiving legal advice on specific legal questions, pursuant to Colorado Revised Statutes section 24-6-402 (3) (a) (II), including:

- The legal basis for potential disciplinary action, and, where warranted, recommended settlement guidance for matters discussed in open session today and referred to executive session.

2010-001621	G. Koster
2010-002916	J. Hall
2010-002917	J. Stone
J. Wright	Stipulation and licensure renewal
2011-001559	M. Hermann
2011-001847	M. Laas
2011-001886	S. Cowan
2011-002367	D. Paul
2011-002368	K. McGuire
2011-002360	M. Morgan
K. Farrah	Reinstatement
2010-004755	J. Sebor

2011-000998 N. Grossman

- Settlement, counteroffers and other legal questions pertaining to open cases referred to the Expedited Settlement Program, including the case status report.

2011-000133 McCluggage
2011-001259 Resig
2011-001715 Curtis-Craig
2011-000295 Laas
2011-002488 Johnson
2010-004818 T. Kitashima
2011-001635 T. Kitashima

- Counteroffers, settlement issues and other legal questions pertaining to cases with the Attorney General's Office, including the case status report, to discuss with counsel.

2009-002738 Yates
2006-002931 Yates
2010-003487 Faunt
2010-003489 Fry
2010-003490 Gereaux
2009-002152 Hyland
2010-003497 Campbell
2010-003492 Lester
2010-003494 Killian
2009-001166 Murrane
2010-003496 Tremblay
2010-003488 Zabell
2010-001767 Zabell
2010-003491 Harris

and 2010-003589 J. Stortz, for specific legal guidance on compliance with his current stipulation as well as confidential information protected under Colorado Revised Statutes section 13-90-107(1)(d).

XV. ADJOURNMENT FROM EXECUTIVE SESSION

Open session of the meeting for the Board of Veterinary Medicine adjourned at 12:45 p.m. The Board then entered into Executive Session at 12:45 p.m. and reconvened in Open Session at 4:45 p.m.

XVI. ADJORNMENT FROM OPEN SESSION

The final meeting adjournment was at 4:50 p.m. The Board will reconvene on Thursday, April 14, 2011, at One Civic Center Plaza, Room 1250 C, Denver, CO 80202, at approximately 8:30 a.m.

Attestation:

Pursuant to § 24-6-402(2)(d.5)(I)(B), C.R.S., as Board Chair, I attest that the Executive Session of the Colorado State Board of Veterinary Medicine meeting held on February 4, 2010 was confined to the topics authorized for discussion pursuant to § 24-6-402(3)(a)(II), (III), and (IV), C.R.S.

Approved by Richard T. Lemer 2/11/11
Board President Date